

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

New York City District Council of Carpenters Pension Fund, New York City District Council of Carpenters Welfare Fund, New York City District Council of Carpenters Annuity Fund, and New York City District Council of Carpenters Apprenticeship, Journeyman Retraining, Educational and Industry Fund, by their Trustees, Frank Spencer, Douglas J. McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien, Kevin M. O'Callaghan, Catherine Condon, David Meberg, Bryan Winter, and John DeLollis,

Plaintiffs,

-against-

Michael Forde, John Greaney, Joseph Olivieri, Brian Hayes, Michael Mitchell, Finbar O'Neill, K.A.F.C.I., Michael Brennan, Turbo Enterprises, Inc., Terence Buckley, Pitcohn Construction Enterprises, Inc., Gerard McEntee, Pyramid Associates Construction Corp., James Duffy, EMB Contracting Corp., Michael Batalias, Elisavet Batalias, Matthew Kelleher, Brian Carson, Joseph Ruocco, John Stamberger, and Michael Vivenzio,

Defendants.

Index No. 11-5474 (LBS) (GWG)

ECF Case

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR ENTRY OF
DEFAULT**

STATE OF NEW YORK)

)

COUNTY OF NEW YORK)

ss.:

Harlan J. Silverstein, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and a member of the firm Kauff McGuire & Margolis LLP, attorneys for plaintiffs in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 of the Civil Rules for the Southern District of New York, in support of plaintiffs' application for the entry of a default against defendant Brian Carson.

3. Jurisdiction of the subject matter of this action is based on Federal Question and Supplemental Jurisdiction.

4. This action was commenced on August 5, 2011 by the filing of the Summons and Complaint. A First Amended Complaint and Supplemental Summons were filed on November 21, 2011. Copies of the Supplemental Summons, Complaint, and First Amended Complaint were served on defendant Brian Carson on January 20, 2011 by personal service. Proof of service by the Process Server was filed on February 2, 2012. The defendant has not appeared, answered, or moved with respect to the Complaint, or First Amended Complaint, and the time for the defendant to respond to the Complaint and First Amended Complaint has expired.

5. Brian Carson is not a minor, mentally incompetent, nor in the military service of the United States.

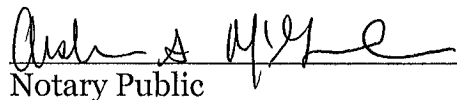
WHEREFORE, plaintiffs request the entry of Default against defendant Brian Carson.

Dated: New York, New York
June 1, 2012



Harlan J. Silverstein

Sworn to before me this 1st
day of June, 2012.


Notary Public

AISLINN S. MCGUIRE
Notary Public, State of New York
No. 02MC6166260
Qualified in New York County
Commission Expires 05/21/2014

2014